

E-Filed 10/3/11

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JAMES SMITH, aka RASHEED,

No. C 11-2147 RS (PR)

Petitioner,

ORDER OF DISMISSAL

v.


C. GIPSON, Warden,

Respondent.

This is a federal habeas corpus action filed by a *pro se* state prisoner pursuant to 28 U.S.C. § 2254. The petition is DISMISSED under Federal Rule of Civil Procedure 41(b) for failure to prosecute because petitioner has failed to file an amended petition by the deadline. The document he has submitted (Docket No. 10) fails to address the questions raised in the Court's order dismissing the petition with leave to amend (Docket No. 9), and also does not constitute an amended petition. The Clerk shall terminate Docket No. 10, enter judgment in favor of respondent, and close the file.

IT IS SO ORDERED.

DATED: October 3, 2011


RICHARD SEEBORG
United States District Judge

No. C 11-2147 RS (PR)
ORDER OF DISMISSAL